

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSEPH KAPLAN,
Plaintiff,

Civil No. 09-390 (DWF/FLN)

v.

**REPORT AND
RECOMMENDATION**

OLGA ABRAMOVICH, et al.,
Defendants.

The Court previously recommended that this case be dismissed. [Docket Entry #5]. Thereafter Plaintiff filed a document the Court could not decipher because it was written in a Cyrillic alphabet the Court does not understand [Docket Entry # 7]. Indeed, the Court is unaware of even in what language the document was written. On March 9, 2009, the Court ordered that the document be docketed, (in case it was an objection to the Report & Recommendation) and ordered the Plaintiff to have the document translated into English. [Docket Entry # 6]. On March 16, 2009, the Plaintiff filed another document [Docket Entry # 8]. It is addressed to me, and begins, "I can speak English too. But it is no way to use only English because of discrimination. What is going on?" The rest of the 5 page document is in a Cyrillic alphabet the Court does not understand. Again, the Court does not even know in what language the document is written. From the foregoing, it appears that the Plaintiff is literate in English, but has chosen not to comply with the Court's Order of March 9 [Docket Entry # 6]. As the Court is incapable of understanding what it is the Plaintiff wants to communicate in his filings received on March 3, [Docket Entry # 7] and March 16 [Docket Entry # 8], it has no

choice but to ignore them.

Based upon the foregoing and all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that, for the reasons set forth in the Report & Recommendation dated February 26, 2009 [Docket Entry # 5], the Application to proceed *in forma pauperis* filed by Joseph Kaplan be DENIED and the action be DISMISSED.

DATED: March 20, 2009.

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **April 8, 2009**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.